

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

204

CRM-M-37318-2022

Date of decision: 31.05.2023

Monika

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Saransh Sabharwal, Advocate and
Mr. Sajal Bansal, Advocate
for the petitioner.

Mr. Chetan Sharma, DAG, Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner in the instant (third) petition is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.9 dated 16.01.2018 lodged under Sections 302, 346, 364 and 120-B of the IPC registered at Police Station Sector-20, Panchkula.

2. Learned counsel for the petitioner *inter alia* submits that the petitioner has been falsely implicated in FIR in question and has now been in custody since 25.01.2018. He further submits that since all the material witnesses stand examined, further incarceration of the petitioner would serve no useful purpose as the prosecution evidence has not yet concluded. Learned counsel has further submitted that when the second petition filed by the petitioner under Section 439 of the Cr.P.C. seeking similar relief was dismissed by this Court on 12.11.2021, learned State counsel had wrongly submitted that some blood traces along with a piece of rope had been recovered from inside

the vehicle in which the deceased was strangled to her death. Learned counsel has submitted that no such material was part of the challan. In the circumstances, since the case rests on circumstantial evidence coupled with the fact that PW11 Sanatan Gupta, whose mobile phone had been allegedly borrowed by the accused to make a call to the deceased, pursuant to which she had come to them, had not supported the case of the prosecution during trial. Learned counsel, therefore, has vehemently prayed that in the absence of any cogent evidence adduced during trial by the prosecution, the petitioner deserved to be enlarged on bail.

3. Per contra, learned State counsel has vehemently opposed the prayer and submissions made by the counsel opposite. Learned State counsel has filed the copy of the FSL report of Madhuban, Karnal, which is taken on record, subject to all just exceptions. Learned State counsel while drawing the attention of this Court to the above said report, particularly to parcels No.6 and 8, has submitted that it clearly finds reflected therein that one piece of yellow colour plastic rope marked as exhibit-6 was recovered from the “ganda nala” where the body of the deceased was dumped by all the accused, including the petitioner, after strangulating her in their car and still further on comparison, two the pieces of rope recovered from the vehicle and the one recovered from “the ganda nala”, on physical and microscopic examination and comparison were found to be the same. Learned State counsel has submitted that this was thus a very vital piece of evidence to connect all the accused with the crime in question. Learned State counsel on further instructions has submitted that since the prosecution

evidence has concluded, the trial, thus, is not going to take much time to conclude. Rather, an application under Section 340 of the Cr.P.C. moved by the defence is pending consideration before the Trial Court for 01.06.2023. He submits that the prosecution cannot, thus, be now blamed for any delay in the conclusion of the trial.

4. I have heard learned counsel for the parties and perused the material placed on record.

5. As apprised by the learned State counsel the prosecution evidence has concluded. The Trial Court has already been directed to conclude the trial expeditiously and it has been made clear to the Trial Court that no further extension of time would be granted to conclude the trial. In the facts and circumstances as enumerated hereinabove, this Court does not deem it fit to extend the concession of bail to the petitioner.

6. Accordingly, the instant petition is dismissed.

7. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

31.05.2023

Vinay

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No